

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

COLUMBIA RIVERKEEPER,

Plaintiff,

3:13-CV-1494-PK

v.

OPINION AND  
ORDER

U.S. ARMY CORPS OF ENGINEERS,

Defendant.

---

PAPAK, Magistrate Judge:

Plaintiff Columbia Riverkeeper ("CRK") filed this action against defendant the United States Army Corps of Engineers (the "Corps") and Lt. Gen. Thomas P. Bostick on August 26, 2013. On September 26, 2013, CRK amended its complaint to state a claim under the Freedom of Information Act ("FOIA") against the Corps only. By and through its FOIA claim, CRK challenged the Corps' decision to withhold purportedly exempt materials otherwise responsive to CRK's FOIA request for documents relating to the Corps' environmental review in connection with the Morrow Pacific Project.

On August 14, 2014, I granted summary judgment in CRK's favor as to the majority of the documents at issue. On August 29, 2014, the Corps moved for stay of the judgment requiring

the Corps to disclose those documents "pending the Solicitor General's decision whether to authorize an appeal [from that judgment] and, in the event an appeal is authorized, during the pendency of the appeal." On September 9, 2014, CRK moved for enforcement of that same judgment, specifically requesting this court's order requiring the Corps to disclose documents in compliance with my Opinion and Order (#41) dated August 14, 2014, within fourteen days.

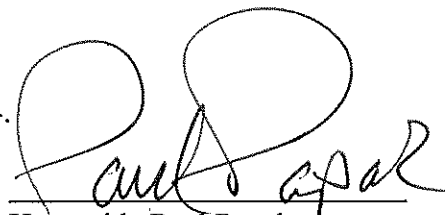
On October 10, 2014, before either party's motion was taken under advisement, the Corps advised the court that there would be no appeal from the judgment in this matter. Accordingly, the Corps' motion (#45) for stay of judgment is denied as moot.

In the absence of any grounds for staying execution of judgment in this matter, and in light of CRK's and the public's ongoing interest in disclosure of the documents (discussed in detail in the Opinion and Order (#41) dated August 14, 2014), CRK's request that the Corps be ordered to comply with its disclosure obligations by a date certain is reasonable. CRK's motion (#48) for enforcement of judgment is therefore granted.

### CONCLUSION

For the reasons set forth above, the Corps' motion (#45) for stay of judgment is denied as moot, CRK's motion (#48) for enforcement of judgment is granted, and the Corps is ordered to produce documents to CRK in compliance with my Opinion and Order (#41) dated August 14, 2014, within fourteen days of the date hereof.

Dated this 24th day of October, 2014.



Honorable Paul Papak  
United States Magistrate Judge